

REMARKS

Claims 1-20 are currently pending in the application. Claims 10, 11, and 14-20 are withdrawn from consideration due to a restriction requirement. Claim 1 is in independent form.

Claims 1 and 3 are objected to because of typographical errors. Applicant has amended the claim and reconsideration of the objection is respectfully requested.

Claim 7 is objected to for reciting non-elected embodiments. Applicant has amended the claim and reconsideration of the objection is respectfully requested.

Claim 13 is objected to for depending on a non-elected claim. Applicant has amended the claim and reconsideration of the objection is respectfully requested.

The disclosure is objected to because of informalities of references to hyperlinks and word spacing. The specification is readable and reconsideration of the objection is respectfully requested.

A substitute specification is required because of the numerous typographical, spelling errors, font size, and spacing. The specification is readable and reconsideration of the substitute specification is respectfully requested.

Claims 1-9 and 12-13 stand rejected under 35 U.S.C. §112, first paragraph for failing to comply with the enablement requirement. In response thereto, the specification does teach how to make and use any multispecific ligand as set forth in the claims without the structure associated with the binding specificity of such ligand or bispecific antibody. One skilled in the art would know how to create a multispecific

ligand based on the teachings of the specification. One skilled in the art would know the binding specificity of individual ligands and can test for the binding specificity without undue experimentation. Reconsideration of the rejection is respectfully requested.

Claims 1-9 and 12-13 stand rejected under 35 U.S.C. §112, first paragraph, because the specification does not reasonably provide a written description of (1) the structure of any multispecific ligand associated with the binding specificity and affinity of such multispecific ligand to any first ligand and any second ligand as set forth in claims 1-9 and 12, and (2) the structure of any multispecific ligand associated with the binding specificity and affinity of such multispecific ligand to any first and any second ligand such as CXCR4 receptors. In response thereto, not every structure of every ligand must be provided. One skilled in the art can determine sufficient ligands and binding specificities according to the teachings of the present invention. Reconsideration of the rejection is respectfully requested.

Claims 1-4, 6-9, and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by McCall, et al. In response thereto, McCall, et al. does not disclose a composition comprising a multispecific ligand comprising at least a first ligand binding moiety which specifically binds to a first ligand having a first biodistribution and a second ligand binding moiety which specifically binds to a second ligand having a second biodistribution different from that of the first ligand, and wherein the affinity of the first and second ligand binding moieties are different and selected to bias the biodistribution of the multispecific ligand. Therefore, the present invention is patentable over McCall, et al. and reconsideration of the rejection is respectfully requested.

Claims 1-4, 6-9, and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shalaby, et al. In response thereto, Shalaby, et al. does not disclose a composition comprising a multispecific ligand comprising at least a first ligand binding moiety which specifically binds to a first ligand having a first biodistribution and a second ligand binding moiety which specifically binds to a second ligand having a second biodistribution different from that of the first ligand, and wherein the affinity of the first and second ligand binding moieties are different and selected to bias the biodistribution of the multispecific ligand. Therefore, the present invention is patentable over Shalaby, et al. and reconsideration of the rejection is respectfully requested.

Claims 1 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCall, et al. in view of U.S. Patent No. 6,949,243. As stated above, McCall, et al. does not disclose all the required elements of the presently pending independent claim. Therefore, combination of McCall, et al. with the '243 patent does not make up for the deficiencies of McCall, et al. alone. Reconsideration of the rejection is respectfully requested.

Claims 1-5 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shalaby, et al. in view of U.S. Patent No. 6,949,243. As stated above, Shalaby, et al. does not disclose all the required elements of the presently pending independent claim. Therefore, combination of Shalaby, et al. with the '243 patent does not make up for the deficiencies of Shalaby, et al. alone. Reconsideration of the rejection is respectfully requested.

Claims 1-5 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bruhl, et al. in view of U.S. Patent No. 6,949,243. Bruhl, et al. does not disclose all the required elements of the presently pending independent claim.

Therefore, combination of Bruhl, et al. with the '243 patent does not make up for the deficiencies of Bruhl, et al. alone. Reconsideration of the rejection is respectfully requested.

Claims 1 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCall, et al. in view of U.S. Patent Nos. 6,949,243; 6,197,578; and 6,488,930. As stated above, McCall, et al. does not disclose all the required elements of the presently pending independent claim. Therefore, combination of McCall, et al. with the '243, '578, and '930 patents does not make up for the deficiencies of McCall, et al. alone. Reconsideration of the rejection is respectfully requested.

The claims of this application have further been rejected as unpatentable based on provisional non-statutory obviousness-type double patenting over copending Application No. 10/943,918. As noted in the Office Action, these rejections can be readily overcome by the filing of a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) or (d). Applicant stands ready to provide the appropriate terminal disclaimer upon the indication of the allowance of the pending claims.

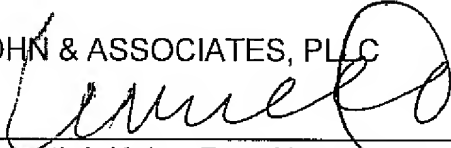
The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, and the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

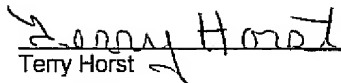

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Terry Horst